THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6195 of 2007

Date: 28.03.2007

Between:

B. N. Kishore

….Petitioner

and

Dy. Registrar of Cooperative Societies, and others

….Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6195 of 2007

O R D E R:

The petitioner claims to be the tenant of premises bearing Plot No. C-1, Sy.No.321/1/A, situated at Electronics Complex, Kushaiguda, Hyderabad, admeasuring 1174.72 square yards, owned by the 3rd respondent.

The above said property is sought to be sold by M/s Vasavi Cooperative Urban Bank Limited, to recover a sum of Rs.54,11,161/- as on 1.1.2007. The auction notice dated 21.3.2007 was published, proposing to conduct the sale on 29.3.2007. The petitioner challenges the said notification on two grounds; firstly it is alleged that the respondents 1 and 2 did not maintain the statutory period of 30 days between the date of auction notice and date of sale. The 2nd contention is that the respondents 1 and 2 did not furnish the particulars of existing encumbrances of the property, availability of original sale deed etc.

Heard the learned counsel for the petitioner.

The petitioner does not claim any independent right in the property, except as a tenant. Even assuming that he is a tenant, his possession does not get altered so, on account of the proposed sale.

Instead of the 3rd respondent, the prospective purchaser would become his landlord, if the tenancy is otherwise in existence. Therefore, the petitioner cannot be said to have suffered any detriment on account of the alleged insufficiency of time between the date of notice and date of sale.

So far as the second part of the grievance is concerned, it is for the petitioner to satisfy himself as to the nature of the property. If he is of the opinion that the property is not free from encumbrances or the original sale deed is not available, he can take appropriate steps.

Therefore, the writ petition is dismissed. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

28th March, 2007.
cvm